

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4317

IN THE MATTER OF:

Served June 10, 1994

Application of EXECUTIVE SEDAN)
MANAGEMENT SERVICES, INC., Trading)
as WASHINGTON CAR & DRIVER, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-94-26

By application accepted for filing June 9, 1994, Executive Sedan Management Services, Inc., trading as Washington Car & Driver (ESMS or applicant), a Maryland corporation, seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.¹

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant's owner/president is an officer and 50 percent shareholder in Executive Coach, Ltd., WMATC Carrier No. 177, and Barwood, Inc., a taxicab company licensed by Montgomery County, MD.

Applicant proposes commencing operations with twenty-one 6-passenger sedans. Applicant proposes to lease those vehicles from an affiliate. Applicant's proposed tariff contains per-vehicle transfer rates for service between specified points and hourly rates for charter service.

Applicant's statement of operations, Exhibit F, covers a period of 7 months. Applicant will be directed to file an amended Exhibit F covering 12 months.

In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is

¹ Applicant applied for temporary and permanent WMATC operating authority in 1991. Although temporary authority was granted, it was conditional, and applicant chose to not satisfy the conditions and, further, withdrew its application for permanent authority. In re Executive Sedan Mgmt. Servs., Inc., No. AP-91-21, Order No. 3808 (Aug. 16, 1991).

consistent with the public interest. Under Article XII, Section 3 of the Compact, the Commission may approve the common control of two WMATC carriers if the Commission finds that common control to be in the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of ESMS's application for a certificate of authority and approval of common control.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 21, 1994, notice in the form prescribed by the staff of the Commission.

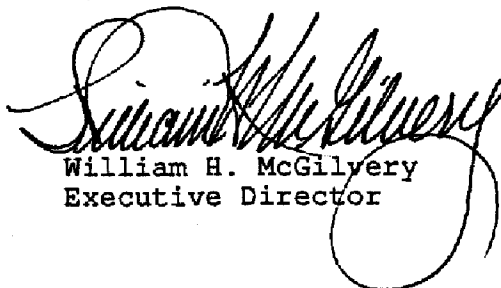
2. That applicant shall file with the Commission, no later than July 12, 1994, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than June 21, 1994, an original and four copies of an amended Exhibit F covering 12 months.

4. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than July 12, 1994, and shall simultaneously serve a copy of such protest or comment on applicant's representative, Mr. Lee Barnes, President, Executive Sedan Management Services, Inc., t/a Washington Car & Driver, 4925 Nicholson Court, Kensington, MD 20895.

5. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than July 12, 1994, and shall simultaneously serve a copy of such request on applicant's representative, Mr. Lee Barnes, President, Executive Sedan Management Services, Inc., t/a Washington Car & Driver, 4925 Nicholson Court, Kensington, MD 20895.

FOR THE COMMISSION:



William H. McGilvery
Executive Director